

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
CHRISTA M. ANDERSON - # 184325
3 canderson@kvn.com
DANIEL PURCELL - # 191424
4 dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 KING & SPALDING LLP
BRUCE W. BABER (pro hac vice)
8 bbaber@kslaw.com
1180 Peachtree Street, N.E.
9 Atlanta, Georgia 30309-3521
Telephone: (404) 572-4600
10 Facsimile: (404) 572-5100

11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,
16 Plaintiffs,
17 v.
18 GOOGLE INC.,
19 Defendant.

Case No. 3:10-cv-03561 WHA

**DEFENDANT GOOGLE INC.'S
RESPONSE TO THE COURT'S DRAFT
JURY INSTRUCTION ON EXPERT
WITNESSES (ECF NO. 1803-1)**

20 Dept.: Courtroom 8, 19th Fl.
21 Judge: Hon. William Alsup

1 In its Order Re Google Motion *In Limine* Re Expert Vouching For Preferred Version Of
2 Disputed Fact (ECF No. 1803), the Court allowed the parties until noon on May 7 to object to the
3 Draft Jury Instruction on Expert Witnesses attached to the Court's Order as ECF No. 1803-1
4 (the "Draft Instruction").

5
6 Defendant Google Inc. ("Google") has no objection to the Court's Draft Instruction.

7
8 Google notes, however, that the Court may wish to consider making the following
9 typographical corrections to the Draft Instruction:

- 10
- changing "were" to "was" on line 8 of page 1;
 - 11 • changing "scenarios" to "scenario" on line 3 of page 2;
 - 12 • changing "his" to "his or her" on lines 20 and 25 of page 2 and on line 5 of page 3;
 - 13 • changing "side" to "side's" on line 22 of page 2;
 - 14 • changing "him" to "him or her" on line 26 of page 2 and on line 10 of page 3;
 - 15 • changing "undercuts" to "undercut" on line 6 of page 3; and
 - 16 • changing "he" to "he or she" on line 8 of page 3.
- 17

18 DATED: May 7, 2016

KEKER & VAN NEST LLP

19
20 By: /s/ Robert A. Van Nest
ROBERT A. VAN NEST

21 Attorneys for Defendant
22 GOOGLE INC.
23
24
25
26
27
28